

AMENDED IN ASSEMBLY APRIL 29, 2003

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 464**

**Introduced by Assembly Member Levine**

February 14, 2003

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An act to add Sections 1586.5, 1586.6, and 1586.7 to the Health and Safety Code, relating to care facilities.

### LEGISLATIVE COUNSEL'S DIGEST

AB 464, as amended, Levine. Adult day health care centers.

Existing law provides for the implementation of adult day health care center oversight by the State Department of Health Services, and authorizes that department to enter into an interagency agreement with the California Department of Aging for the administration of that program. Existing law establishes standards for the licensure of adult day health care centers.

This bill would set forth staffing requirements for adult day health care centers. This bill would prohibit an adult day health care center from requiring family members to attend *the center* or assist the participant with activities of daily living *while at the center*. This bill would also prohibit an adult day health care center from discriminating ~~on the basis of~~ *because of race, color, creed, national origin, or physical or mental disabilities*. It would, ~~however, authorize an adult day health care center medical clinician to refer a patient to a different facility if he or she, in good faith and through the exercise of reasonable medical judgment, deems that the needs of the participant are best met at a~~

~~different facility provide that the program may not admit any participants to the program that, in the clinical judgment of those administering the program, cannot be appropriately cared for by the program.~~

Under existing law, any person who negligently, repeatedly, or willfully violates the provisions of law relating to adult day health care facilities is guilty of a misdemeanor.

Because this bill would change the definition of a crime, this bill would result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1586.5 is added to the Health and Safety
- 2 Code, to read:
- 3 1586.5. Adult day health care centers shall be staffed with
- 4 program aides, with a minimum ratio of one aide for every
- 5 increment of eight persons in average daily attendance at a center.
- 6 SEC. 2. Section 1586.6 is added to the Health and Safety
- 7 Code, to read:
- 8 1586.6. Adult day health care centers may not require family
- 9 members to attend *the center* or assist the participant with activities
- 10 of daily living *while at the center*.
- 11 SEC. 3. Section 1586.7 is added to the Health and Safety
- 12 Code, to read:
- 13 1586.7. (a) Adult day health care centers may not
- 14 discriminate ~~on the basis of~~ *because of race, color, creed, national*
- 15 *origin, sex, or physical or mental disabilities*. Centers shall
- 16 accommodate individuals with physical disabilities by ensuring
- 17 access to bathrooms, hallways, and door entrances, and by
- 18 providing safe and adequate parking and passenger loading areas.
- 19 All staff at centers shall be trained and able to interact with
- 20 participants with physical disabilities.

~~(b) Notwithstanding subdivision (a), an adult day health care center medical clinician may refer a participant to a different facility if he or she, in good faith and through the exercise of reasonable medical judgment, deems that the patient's needs are best met at a different facility, except that this subdivision shall not be construed to permit the center to refuse to provide any services to the participant.~~

*(b) Notwithstanding subdivision (a), the program may not admit any participants to the program that, in the clinical judgment of those administering the program, cannot be appropriately cared for by the program.*

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

